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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,786	02/09/2005	Shigeo Sugimori	SON-2802	5695
23353	7590	06/05/2007		
RADER FISHMAN & GRAUER PLLC			EXAMINER	
LION BUILDING			DU, THUAN N	
1233 20TH STREET N.W., SUITE 501				
WASHINGTON, DC 20036			ART UNIT	PAPER NUMBER
			2116	
			MAIL DATE	DELIVERY MODE
			06/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,786	Applicant(s) SUGIMORI, SHIGEO	
	Examiner Thuan N. Du	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/9/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Preliminary Amendment (dated 3/10/2006).
2. Claims 1-12 are presented for examination.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

4. Figures 5-8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

5. Claims 5-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claims 5-8, since a computer readable storage medium encoded with the 'program' has not been claimed, the 'program' as claimed is computer listing per se (see MPEP 2106).

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Therefore, the claimed 'program' does not define any structural and functional interrelationships between the program and other claimed elements of a computer which permits the program's functionality to be realized.

To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (non-statutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories on invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admission of prior art [AAPA] in view of Sekizawa et al. [Sekizawa], U.S. Patent No. 5,410,651.

8. As per claim 3, AAPA teaches an information processing method realized in a system in which a processor including a plurality of central processing units (103, 104), internal storage means (101), boot storage means (105), and a direct memory access controller (102), external storage means (110) in which are stored a common code to be executed in common by the plurality of central processing units and an instruction code to be respectively executed by predetermined one of the central processing units [application's specification; p. 3, lines 6-9], and host processing means (111) are interconnected by a bus (3), the method characterized by comprising:

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a step of selectively resetting, by means of the host processing means, the central processing unit [application's specification; p. 5, lines 13-14];

a step of writing, by means of the host processing means, a boot code to be executed by the reset central processing unit into the boot storage means [application's specification; p. 5, lines 14-15];

a step of canceling, by means of the host processing means, a reset state of the reset central processing unit [application's specification; p. 5, lines 15-16];

a step of loading, by means of one of the central processing units of which the reset state is canceled, the common code and the instruction code defined to be executed by the one of the central processing units of which the reset state is canceled, into the internal storage means from the external storage means with the use of the direct memory access controller, by executing the boot code written in the boot storage means by the one of the central processing units of which the reset state is canceled [application's specification; p. 5, lines 17-21], and canceling the reset state of one of other central processing units and executing the instruction code defined to be executed by the one of other central processing units of which the reset state is canceled [application's specification; p. 5, lines 23-25]; and

a step of executing, by means of the respective central processing units of which the reset states are canceled, the common code and the instruction code defined to be executed by the respective central processing units of which reset states are canceled, which are loaded in the internal storage means [application's specification; p. 5, line 28 to p. 6, line 1].

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AAPA does not teach that the instruction code defined to be executed by the other processing units (second processor) is loaded separately from the instruction code defined to be executed by the one of the processing unit (first processor).

Sekizawa teaches that each of a plurality of processors can load a corresponding program only when needed. As such, the program corresponding to each processor is loaded separately.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of AAPA to load the instruction code corresponding to each processing unit separately as taught by Sekizawa. The modification would increase the reliability of the system by reducing the overload and underload of the processors.

9. As per claim 4, it would have been obvious to one of ordinary skill in the art to recognize that the method steps taught by AAPA-Sekizawa could be repeated for each newly loaded of instruction code and/or each of the other processors.

10. As per claims 1, 2 and 5-12, they do not teach or further define over the limitations recited in the rejected claims above. Therefore, claims 1, 2 and 5-12 are also rejected as being unpatentable over AAPA in view of Sekizawa for the same reasons set forth in the rejected claims above.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 7:30 AM - 4:00 PM, EST.

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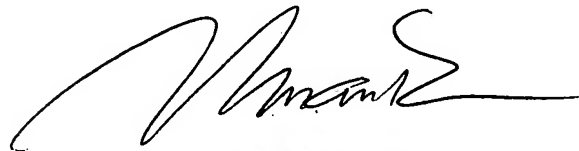
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached at (571) 272-3676.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system; see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

TD
May 29, 2007



THUAN H. DU
PRIMARY EXAMINER